

REMARKS

The Examiner made the following remarks in the outstanding Final Office Action:

- Claims 27 and 32 are objected to due to informalities.
- Claims 27 and 32 are rejected under 35 U.S.C. §112, second paragraph, as being indefinite to particularly point out and distinctly claim the subject matter which Applicant regards as the invention.
- Claims 27-29, 31, 33, 35, 37-39, 41-42, and 44-46 are rejected under 35 U.S.C. §103(a) as being unpatentable over United States Patent No. 5,497,419 issued in the name of Brian R. Hill, (hereinafter "Hill"), in view of United States Patent No. 5,966,446, issued in the name of Derek L. Davis, (hereinafter "Davis '446"), in view of Official Notice.
- Claims 32 and 36 are rejected under 35 U.S.C. §103(a) as being unpatentable over the combination of Hill, Davis '446, Official Notice, and United States Patent No. 6,892,301 issued in the names of Hansmann et al., (hereinafter "Hansmann").
- Claims 39 and 44 are rejected under 35 U.S.C. §103(a) as being unpatentable over the combination of Hill, Davis '446, Official Notice, and United States Patent No.

5,577,121, issued in the names of Davis et al.,
(hereinafter "Davis '121").

- Claim 40 is rejected under 35 U.S.C. §103(a) as being unpatentable over the combination of Hill, Davis '446, Official Notice, Davis '121, and United States Patent No. 5,625,410 issued in the names of Washino et al., (hereinafter "Washino").

Claims 27-46, including independent claims 27, 33, 39, and 44 were originally presented for examination. Claims 1-26 were previously cancelled. Claims 30, 34, and 43 have been cancelled and claims 27 and 32 have been amended by way of the present Response. Claims 27-29, 31-42, and 44-46, which include independent claims 27, 33, 39, and 44 are presently pending. No new matter has been added by way of the present Response. Favorable reconsideration of the present Response as currently constituted is respectfully requested.

THREE MONTH EXTENSION OF TIME

This Response was due for reply by June 30, 2006. A Three Month Petition for Extension of Time Under 37 C.F.R. §1.136(a) is enclosed. Per MPEP §505, since September 30, 2006 was a Saturday and October 1, 2006 was a Sunday, this submission is considered timely if filed by the next succeeding business day, i.e., October 2, 2006.

CLAIM INFORMALITIES

Claims 27 and 32 are objected to due to informalities in line 21 of claim 27 and line 3 of claim 32. Both claims 27 and 32 have been appropriately amended to cure the informalities. Accordingly, Applicant respectfully solicits withdrawal of the claim objections.

REJECTIONS UNDER 35 U.S.C. §112, SECOND PARAGRAPH

Claims 30, 34, and 43 are rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. Applicant has cancelled claims 30, 34, and 43. Accordingly, Applicant respectfully solicits withdrawal of the rejection under 35 U.S.C. §112, Second Paragraph.

REJECTIONS UNDER 35 U.S.C. §103(a)

As enumerated in pages 11 and 12 of the instant Response, all of the presently pending claims and, in particular, independent claims 27, 33, 39, and 44 are rejected under 35 U.S.C. §103(a). In each of these rejections, the Examiner relies on Hill, Davis '446, Official Notice and, more specifically, the combination of Davis '446 and Official Notice to suggest an encryption system for in-car digital video recording data that includes a plurality of encryption and decryption key pairs assigned to different individuals and a digital signature, which is associated with the

digital data, that is encrypted and decrypted by the key pairs. In the in-car digital video recording apparatus, each of the plurality of encryption and decryption key pairs is assigned to a different individual.

As explained below in further detail, neither these references (Hill, Davis '446, Official Notice) nor the other references cited (Hansmann, Davis '121, Washino) or made of record disclose or suggest, alone or in any combination, an encryption system for in-car digital video recording data that includes a plurality of encryption and decryption key pairs assigned to different individuals and a digital signature, which is associated with the digital data, that is encrypted and decrypted by the key pairs.

As recited in the independent claims, the claimed asymmetrical encryption system for digital data of an in-car video recording apparatus includes limitations directed to a plurality of encryption and decryption key pairs assigned to different individuals and a digital signature, which is associated with the digital data, that is encrypted and decrypted by the key pairs.

Applicant traverses these §103(a) rejections on the following two grounds: (1) the Official Notice is improper, and, even if the Official Notice was proper, (2) the combination of Hill, Davis '446, and Official Notice is deficient as the Examiner has mischaracterized Davis '446.

(1) Official Notice Improper

The Examiner acknowledges that the combination of Hill and Davis '446 (in combination with any of the other references made of record) does not disclose the following:

- associating more than one encryption and decryption key pairs with an in-car video recording apparatus and with more than one designated individual
- an employment of a plurality of encryption and decryption key pairs with an in-car video recording apparatus

The Examiner takes Official Notice of these limitations, which are not disclosed by the combination of Hill and Davis '446 (or any other reference made of record), and asserts these limitations are "common knowledge" or "well known". Applicant traverses this Official Notice on the grounds that (A) as required by the MPEP, no specific factual findings or concrete evidence were presented to support the Official Notice and (B) the art presently made of record and the Examiner's search are dispositive evidence that the Examiner's asserted facts are neither common knowledge nor well known.

(A) The Official Notice Lacks Supporting Factual Findings or Concrete Evidence

Per MPEP §2144.03, in limited circumstances, it is appropriate for an examiner to take Official Notice of facts not in the record

or to rely on "common knowledge" in making a rejection, however, such rejections should be judiciously applied. The MPEP further explains that general conclusions concerning what is "basic knowledge" or "common knowledge" or "well known" to one of ordinary skill in the art without specific factual findings and some concrete evidence in the record to support these findings do not support an obviousness rejection.

Applicant respectfully submits that the Examiner provided no explanation, specific factual findings, or concrete evidence to support the holding of Official Notice. Instead, the Examiner stated the following:

Furthermore, Official Notice is taken regarding associating a [sic] more than one encryption and decryption key pairs with an apparatus and with more than one designated individual; concepts that are well known and expected in the arts of data security cryptography. It would have been obvious to one of ordinary skill in the art at the time of the invention to employ a plurality of encryption and decryption key pairs with the apparatus as taught by Davis and Hill so that the data can be accessed by these multiple individuals. Office Action dated March 31, 2006, page 6, lines 1 - 7.

The Examiner states the concepts are well known and expected in the arts of data security cryptography. The Examiner provides no explanation, specific factual findings, or concrete evidence to support this assertion in the art of data security or in the applicable art of in-car video recording apparatuses. Accordingly, the Examiner's Official Notice, which is supported by general

conclusions, is improper and the obviousness analysis, which depends upon the Office Notice, is deficient.

(B) The Art Presently Made of Record and the Examiner's Search Are Dispositive Evidence That the Examiner's Asserted Facts Are Neither Common Knowledge or Well Known

Applicant challenges each of the multiple factual assertions as not properly Officially Noticed and not properly based upon common knowledge. Applicant has cited 11 references to the Examiner thus far during the examination of this patent application. Moreover, the Examiner has conducted two searches that yielded 20 additional references. None of these 31 references presently made of record disclose or suggest an in-car video recording apparatus which includes a base unit having an anti-tampering means for calculating a digital signature for the compressed live digital data and the audio data, and encrypting the digital signature with at least one of the plurality of encryption key pairs.

The Examiner's asserted facts are neither well-known nor of such common knowledge in the art that the facts are unquestionable as these asserted facts (1) are not disclosed or suggested in any of the 31 references made of record, and (2) were not found during two thorough searches by the Examiner. The 31 references made of record and the Examiner's searches are dispositive evidence that

these asserted facts are neither well-known nor common knowledge. If these asserted facts, which form the basis of the Official Notice, were either well-known or of such common knowledge in the art, then these asserted facts would be found in one of the 31 references made of record or would have been found during the Examiner's thorough searches. As these asserted facts have no support, the Examiner's Official Notice is improper and the obviousness analysis, which depends upon the Office Notice, is deficient.

(2) Deficiencies of the Cited References Due to the Mischaracterization of Davis '446

Applicant claims an in-car video recording apparatus which includes a base unit having an anti-tampering means for calculating a digital signature for the compressed live digital data and the audio data, and encrypting the digital signature with at least one of the plurality of encryption and decryption key pairs. Importantly, as recited in each independent claim, **each of the plurality of encryption and decryption key pairs is assigned to a different individual.**

Applicant respectfully submits that contrary to the Examiner's statement, Davis does not disclose a plurality of encryption and decryption key pairs that are assigned to different individuals. Rather, Davis '446 states the following:

A "key" is an encoding and/or decoding parameter used by conventional cryptographic functions such as public-key cryptographic function (e.g., Rivest, Shamir and Adleman "RSA" and other types), or a symmetric key cryptographic function (e.g., Data Encryption Algorithm "DEA" and other types). A "certificate" is defined as any digital information (including a key) associated with an entity, encrypted by a private key held by another entity such as a manufacturer or a widely published trusted authority (e.g., bank, governmental entity, trade association, etc.). A "digital signature" is similar to a certificate, but is normally used for authenticating data, not its sender. Emphasis added. Column 3, lines 9 - 20.

The keys taught by Davis '446 are associated with manufacturers or other widely published trusted authorities such as banks, governmental entities, and trade associations. The keys are not associated with individuals as is required by each of Applicant's independent claims. Accordingly, the combination of Hill, Davis '446, and Official Notice does not disclose each limitation of the independent claims.

As the Official Notice is improper and/or the combination of Hill, Davis '446, and Official Notice (or any other reference made of record) does not disclose Applicant's in-car video recording apparatus as recited by independent claims 27, 33, 39, and 44, Applicant respectfully solicits withdrawal of the outstanding §103(a) rejections and allowance of claims 27, 33, 39, and 44. Applicant respectfully submits that either of these basis alone would be sufficient to overcome the outstanding §103(a) rejection. Claims 28-29, 31-32, 35-38, 40-42, and 45-46 depend from these

independent claims and add further limitations. Accordingly, for the reasons presented hereinabove, Applicant respectfully solicits withdrawal of the outstanding \$103(a) rejection and allowance of claims 28-29, 31-32, 35-38, 40-42, and 45-46.

FEE STATEMENT

Applicant has enclosed Form PTO-2038 authorizing payment of \$510.00 to the cover fees for the Three Month Extension of Time. Accordingly, Applicant believes no additional fees are due for the filing of this Response. If any fees are due, however, please charge our deposit account (Account No. 50-3215).

CONCLUSION

In view of the foregoing, the Examiner is respectfully requested to allow claims 27-29, 31-42, and 44-46 presented for consideration herein. Accordingly, a favorable action in the form of a notice of allowance is respectfully requested. The Examiner is requested to call the undersigned for any reason that would advance the instant application to issue.

Dated this 2nd day of October, 2006.

Respectfully submitted:

/Scott Griggs/

Scott T. Griggs
Reg. No. 48,331

Griggs Bergen LLP
3400 Bank One Center
1717 Main Street
Dallas, Texas 75201
Tel 214.653.2400
Fax 214.653.2401